IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6141 OF 2005

Rajesh Tukaram Sorte & Ors. ..Petitioners.

Vs.

The State of Maharashtra & Ors. ..Respondents.

....

Mr.P.N.Patil for the Petitioners.

Mr.P.P.Kakade, AGP for Respondent Nos.1 and 2.

Ms.N.P.Karnik for Respondent No.3.

....

CORAM : F.I.REBELLO &

DR.D.Y.CHANDRACHUD, JJ.

23rd September, 2005.

P.C. :

1. Rule. Heard forthwith.

2. The case of the Petitioners is similar to what was considered by this Court in the case of Narendra Murlidhar Shelke v. Maharashtra Jeevan Pradhikaran in Writ Petition 1742 of 2005 of the Nagpur Bench of this Court decided on 27th July,

2005.

3. Considering the above, the Petition can be disposed of by issuing the following directions :

i) The Petitioners are directed to make a representation to the Maharashtra Public Service Commission (MPSC) through the Respondents within a period of two weeks from today, and if such a representation is made, the MPSC shall consider the case of the Petitioners, and if the Petitioners are found suitable, eligible and qualified, then the MPSC to consider the case of the Petitioners for regularization in the post of Assistant Engineers Grade- II;

ii) If the Petitioners are found suitable for regularization, then MPSC to pass an order in which event the Petitioners will be deemed to be continued in service as Assistant Engineers Grade-II from the date of their reversion;

iii) The Respondents to fix the Petitioners in the

pay scale from that date, however no arrears of salary will be paid from the date of reversion till the date of passing of order, and the Petitioners would actually get the salary from the date of the order by MPSC to regularize them;

iv) In the event the Petitioners are not found to be regularized, the Petitioners would be allowed to continue their services in the post of Junior Engineers.

Rule made absolute accordingly with no order as to costs.

(F.I.REBELLO, J.)

(DR.D.Y.CHANDRACHUD, J.)